



THE COMMONWEALTH OF MASSACHUSETTS

WATER RESOURCES COMMISSION
100 CAMBRIDGE STREET, BOSTON MA 02114

Meeting Minutes for April 8, 2005

Members in Attendance:

Karl Honkonen	Designee, EOE
Marilyn Contreas	Designee, DHCD
Glenn Haas	Designee, DEP
Gerard Kennedy	Designee, DAR
Mark Tisa	Designee, DFG
Jonathan Yeo	Designee, DCR
Gary Clayton	Public Member
David Rich	Public Member
Bob Zimmerman	Public Member

Others in Attendance:

Mike Gildesgame	DCR
Linda Marler Hutchins	DCR
Michele Drury	DCR
Sara Cohen	DCR
Marilyn McCrory	DCR
Steve Garabedian	USGS
Ted McIntire	Town of Reading
Peter Hechenbleikner	Town of Reading
Gail Wood	Town of Reading
John Gall	CDM
David Brew	MWRA
Margaret Kearns	Riverways
Kerry Mackin	IRWA
Pam Heidell	MWRA
Frank Hartig	DCR
Jessica Stephens Siler	Environmental League of Massachusetts
Susan Speers	Watershed Action Alliance
Peter Shelley	CLF
Eileen Simonson	WSCAC
Russ Cohen	Riverways
Duane LeVangie	DEP
Ryan Ferrara	MWRA Advisory Board
Ron Sharpin	DCR
Tom Warhol	Riverways

Mary Griffin	EOEA
Vandana Rao	EOEA
Martha Stevenson	LWVM
Samantha Woods	Weir River Watershed Association

Honkonen called the meeting to order and acknowledged Jonathan Yeo, the new designee for the Department of Conservation and Recreation.

Agenda Item #1: Executive Director's Report

Hutchins provided an update on the hydrologic conditions, stating that she had not received many precipitation reports, because it was early in the month, so she cautioned that the report was a draft, but a final report would be posted next week.

- March precipitation is about 4.6 inches; this is slightly above normal (104%). The state received “over a month’s worth of rain” (4-6 inches) in one week, between March 28 and April 2.
- Below normal streamflow was experienced in western Massachusetts. There were two weeks in March where there was no rainfall, however there was a large amount of rainfall on March 28th. The April 2nd storm brought minor flooding to most of the rivers in Massachusetts. Those rivers are still running at high rates. USGS has published maps and graphics showing rivers that are in high flows and above flood stage. On April 3rd, many rivers were at record highs and/or above flood stage. During March streamflow was trending below normal, but these two storms have had a major impact on the hydrograph, which still has not receded much.
- The rainfall compromised a small dam in Rehoboth. A section washed out, but there were no significant consequences. USGS made some flow measurements during these flooding events. Hutchins asked Garabedian to comment. He said that this is a five year flood event. USGS is now using new piece of equipment - an acoustic Doppler profiler (ADP). This allows the Survey to measure streamflow much more rapidly. The name of Garabedian’s USGS office has been changed to the MA-RI Water Science Center.
- Honkonen asked if reservoir levels were full or nearly full. Hutchins replied that she didn’t have all the numbers, but she has been talking to water suppliers who have said that reservoirs were overflowing. Quabbin has been spilling. Yeo added that Wachusett was overflowing as well.

Honkonen said he would defer the remainder of the Executive Director’s Report to later in the meeting

Agenda Item #2: Discussion – Amended Staff Recommendation for Reading’s Interbasin Transfer Application

Honkonen said that the WRC has heard many comments and reviewed much information concerning this application. He would like to consider only new information at this meeting and to limit public comments to five minutes. Previously, the WRC was directed to ask the staff to review the December Staff Recommendation. Staff has reviewed many comments and has tried to address many of the issues raised concerning this topic through the matrix that has been distributed to the Commission. The most recent Staff Recommendation, to be presented today, takes into account much of the information received to date. Honkonen hoped that the point of

today's discussion would be to refine the Staff Recommendation to point that it is acceptable to everyone.

Gildesgame reviewed the key points that have changed in the most recent draft:

- Through this Interbasin Transfer Act (ITA) proposal, the Town of Reading will be limiting the use of its own sources in the Ipswich River basin to 1 million gallons per day (mgd) from May to October, by purchasing 219 mg from the Massachusetts Water Resources Authority (MWRA). The Town has the capacity to pump much more than this. A key result of this transfer would be a reduction in stress on the Ipswich River. This transfer will not solve all of the Ipswich River's streamflow problems. But it will contribute something to the remediation efforts.
- Nothing in the MEPA document or through this Interbasin Transfer would prevent the Town from pumping more than 1 mgd during this period to protect the health and safety its citizens. However the MEPA letter of March 31st says that if the Town uses more than 1 mgd from its water supply sources for other than an unforeseen, isolated or emergency situation, the Town would need to seek a Notice of Project Change (NPC) through MEPA.
- The goal and purpose of the conditions in the Staff Recommendation is to make sure the Town can get through the May – October period using the 1 mgd of water from its own sources and 219 mg from the MWRA. The conditions are intended to act as check points to indicate the likelihood that the town could get by with that amount of water. The Town will continue with its Stage 1 mandatory outdoor water use restrictions. If at those check dates the conditions are not being met, it is an indication that the Town needs to implement additional measures to limit water use. The conditions are not intended to completely solve the flow problem of the Ipswich River, but to help the town meet its goals and responsibilities to get through the summer while using less water and imposing less stress on the river.
- The specific changes in the revised Staff Recommendation are:
 1. The amended Staff Recommendation is in accord with the MEPA certificate. The December 9th vote was taken before MEPA commented on the changes proposed to the period for purchasing water from the MWRA. Since then, we have learned that the project as approved by the WRC should have received an NPC according to the MEPA regulations. Reading decided that rather than file an NPC, it would revert to the project as presented in the FEIR. That is, the Town will limit withdrawals from its own sources to 1 mgd and purchase supplemental water from the MWRA during the period of May through October each year.
 2. The section on Criterion #3 (page 6) updates the Town's water conservation regulations to reflect that in January 2005, Reading amended its water conservation regulations to create a two-stage outdoor water conservation program. This revised regulation is appended to this latest Staff Recommendation.
 3. The table on page 13 has been updated to reflect the change to the conservation program.
 4. Pages 24-25 have been updated to reflect the linkage of the Town's water conservation program with streamflow.
 5. The largest change is presented under the conditions section on page 25. Specific discussion of this change was deferred to the public discussion period.

Honkonen said that the reason the Staff Recommendation is being amended is to be consistent with the MEPA certificate. The December decision was not deemed to be consistent, so all the adjustments that have been made are an attempt to be consistent. He asked Peter Hechenbleikner from the town of Reading to give some formal comments.

Hechenbleiker introduced Gail Wood, whose term on the Board of Selectmen had just expired the previous Tuesday. Hechenbleikner thanked the Commission and Staff for their forbearance and perseverance on behalf of Reading's water supply. This project began in 2000, when Town Meeting and the Board of Selectmen approved pursuit of the purchase of water from the MWRA. He said that this was purely a voluntary act on Reading's part. The Town was not under any order or requirement to do this. He stated that the Town felt that as stewards of a portion of the Ipswich River basin, it had a responsibility to do this. It is voluntary and expensive, but it is felt that it is the right thing to do.

Hechenbleikner recapped Reading's water conservation measures including the toilet and washing machine rebate program, the municipal building retrofit program, and water audits for homeowners. He stated that Reading had considerable success with the leak detection and repair program. Reading has some of the highest water and sewer rates in the area. This helps to conserve water. Reading has been on permanent odd/even water use restrictions since 1992. This is the base level. Reading owns the entire Ipswich River frontage in town as public open space. They are participating in an EPA-sponsored pilot program to set underground sprinkler systems to be sensitive to climatic conditions. If this program is successful, it will probably be included in Reading's rebate program.

As a result of this, Reading's residential water use over the past five years has been 55 gallons per capita per day (gpcd). This is low compared to the current ITA Performance Standards. Reading has worked closely with WRC Staff and has a list of proposed changes that we think will clarify the program. Hechenbleikner emphasized that the Town of Reading has compromised from "Day One" while going through this process. He said that Reading has gone as far as it could in terms of compromise. He thinks that it would be a loss for everyone if the project was to fall through or be denied.

He distributed copies of the Town's proposal. These are summarized here:

- Page 1: add "However, if the Town of Reading has purchased 219 mg from the MWRA prior to October 31st, it may use the Ipswich River basin as a sole water supply." If Reading gets to that point, Hechenbleiker said, the Town will implement full restrictions i.e., no outdoor watering at any time.
- Page 5: Add "The proposed actions on the part of the town are entirely voluntary." Reading feels this is an important part of this decision.
- Page 7: reiterates the language on page 1.
- Page 8: This is a clarification, he said. The town's outdoor water use restrictions are not by-laws; they are regulations of the Board of Selectmen as the Water Commissioners. The regulations were not "passed" but "modified." The modification removed all voluntary outdoor water use restrictions and incorporated only mandatory water use restrictions.
- Page 9: it is important to clarify that Reading's odd/even water use restrictions are unique in that they have been in effect since 1992. These are not just summertime restrictions;

they are in effect no matter what the condition of the river. It is important to understand, he said, that Reading is starting out from a very low water use per capita position.

- Page 27: Reading is suggesting language for the conditions that says “however if the town of Reading has purchased 219 mg from the MWRA prior to October 31st, it will use the Ipswich River basin as a sole water supply.”
- Reading is proposing to eliminate the requirement that if it uses more than 219 mg or more than 1 mgd from its own sources once in a five year period, it would need to file a Notice of Project Change. The Town is suggesting instead inserting the last two paragraphs of the MEPA letter into the document. This is what’s controlling the project.
- Page 28: Concerning the streamflow triggers, which have to be for three consecutive days, including the dates July 15th, Aug 15th and Sept 15th. This is consistent with DEP, he said. Reading is proposing to eliminate the September 30th date and substitute October 31st, to be consistent and to eliminate confusion.
- Hechenbleikner said that there are three thresholds established by staff: 1) if Reading uses more than 115 mg of MWRA water by July 15th, and the streamflow trigger is met, Reading will reduce outdoor water use time from by 25%; 2) if a certain amount has been purchased by August 15th outdoor water use time will be reduced by another 25%; 3) there will be no outdoor water use. This part defines non-essential water use.

That this represents a lot of compromise on the Town’s part, he said, but Reading can live with the decision of the WRC, with these changes, and would like to move forward with the required legislation to get this transfer accomplished.

Honkonen asked the WRC if it would prefer to have additional public comments and save questions for the end. It was suggested that it was preferable to continue with public comments, but have the opportunity to ask clarifying questions, if necessary.

Mackin said that she has been working on this issue since 1994. She added that she has also compromised quite a bit. Any provision that allows use of Ipswich River wells during low flow periods represents an extremely large compromise on the Ipswich River Watershed Association’s (IRWA) part. She has raised many issues with this project and she thinks that she is right. She continues to believe that provision 1b does not comply with the requirements of the MEPA letter. She has significant concerns about Condition 2. This, in effect exempts well use from May 1st to July 22nd from any streamflow trigger restriction that could be imposed. This does not provide adequate protection for the river, she said. She proposed alternate additional bench mark numbers and time periods based on actual average monthly water use for the past five years. She was not able to respond to Reading’s proposed changes. She said she did not think their proposal to use the Ipswich River sources as their sole water supply sources if they deplete the 219 mg transfer amount complies with MEPA and therefore, she said, it should be rejected. She is concerned that the previous Condition 3 was deleted, even though she knows that part of it has been incorporated elsewhere in the conditions. She is not happy with the current Staff Recommendation.

Simonson said that the Water Supply Citizens Advisory Committee (WSCAC) does not think this should have been proposed in the first place but since it has gotten this far, she will let that go. She wants to make sure the Ipswich River is getting what it needs. She went on to make four points:

1. She agrees with Mackin's statement that the period from May 1st to July 22nd is exempted from water use restrictions. WSCAC has proposed that on July 15th, the preceding 30 days are examined for three consecutive days of flow and if any of those days are below the thresholds, the town should institute these standards. Mandatory should be defined as hand-held watering devices only.
2. The word "unforeseen" from the MEPA document should be defined. "Unforeseen" means drought. Only the most dire circumstances would exclude this from being reevaluated through an NPC.
3. The WRC should require that the 219 mg purchase be limited to begin at May 1st and end on Oct 31st because Reading's connection to MWRA already allows dire emergency water use at any other time. The purchase should do what it's supposed to do--permit the reduction of use from the river-side wells. If Reading changes their contract at all, they will need to come back for reevaluation under the ITA, because the WRC's charge is to protect the donor basin and that should remain a part of this process.
4. Everyone has worked extremely hard on this.

Mackin stated that a drought was foreseeable on a return frequency basis, although not forecastable. Simonson said that the last paragraph of the MEPA letter needs to be clarified. Mackin said she could agree to the emergency use of Reading's wells.

Hechenbleikner said that the big picture needed to be looked at. Right now Reading is pumping its wells at 2.4 mgd. They are proposing cut back to 1 mgd during this time frame. They do not object to limiting their contract with the MWRA to May through October.

Tisa asked about tying withdrawals to streamflow limits. This is a severely impacted river. He is also concerned about what DEP will do when the Water Management Act (WMA) registrations are up for renewal in 2008. Will DEP continue to permit pumping at the existing levels? Tisa is troubled that Reading seems unwilling to tie water conservation to streamflow.

Hechenbleikner said that the town *was* tying water use to streamflow triggers through the three triggers. Reading thinks it is being proactive and should be used as a model. He said there are practical aspects of the water system operation that need to be taken into account.

Tisa suggested an alternative analysis to determine the impacts of buying all their water from MWRA from May through October. Hechenbleikner said this was not practical because of the treatment plant and labor force issues. Zimmerman asked if Reading would consider streamflow thresholds once the new treatment plant was on-line. Hechenbleikner answered yes, the town would like to be able to pump more water from its own sources when streamflow was above the thresholds during these months.

Yeo said the likelihood of Reading exceeding 219 mg is slim. What the Staff has done is to develop triggers at various points to slow things down if it appears that this MWRA water is being used too quickly. He felt that this is a model partial solution.

Gildesgame said that the idea behind these triggers was to look at two variables: how much water Reading is using from the MWRA and how much water are they taking from their own sources. The idea is that these would be check points to see if the Town will be able to stay within the

limits of both of these variables and if they are exceeded, to address the issue through further water conservation.

Mackin said that she interprets streamflow triggers in the receiving basin as not to be optional. She asserted that they are performance standards required under the statute to implement all practical conservation measures. She said that Condition 2 provides for an exemption from the performance standards for Reading under certain conditions. The FEIR does not project the use of MWRA water every single year, she said; the average purchase volume was 0.49 mgd. The WRC is allowing 219 mg every year.

IRWA has legal concerns beyond MEPA. Reading's WMA registration was based on what Mackin described as unreliable raw water pumping numbers. She maintained that they could not be considered accurate. DEP should reevaluate this registration, she said. Hechenbleikner said that under the current situation, Reading will withdraw 2.4 mgd from its Ipswich River sources. If the Town implemented IRWA's restrictions on outdoor water use, he said, Mackin says it would have reduced water consumption during the drought of 1999 by 49 mg. Under the current proposal, Reading is potentially reducing water withdrawals from Ipswich River sources by 219 mg during the summer. This is four times what any other restriction on our current registration would do. He said that this is significant.

The town is growing, said Hechenbleikner. A lot of this growth is affordable housing. There are 400 units under construction right now. The numbers Reading is agreeing to are based on the Town's current consumption, but they also have to allow for growth. Reading is trying to meet our affordable housing requirements in town and needs flexibility in order to do that. Reading has agreed to do an awful lot.

Zimmerman said there was a bigger picture. Currently, Reading takes water out of the basin and sends it to the ocean. If this water and stormwater were returned to the basin, there would not be a problem. Reading is getting punished for traditional engineering. The Commonwealth of Massachusetts has to understand that traditional engineering needs to be changed right now. He suggested that Reading rework its infrastructure. If the Town is not sewerage new units to municipally-owned package treatment plants that put water back in the basin in areas that will maintain streamflow, it is making a huge mistake, he said. He suggested a septic utility requirement and a water bank. Zimmerman then proposed some changes to the conditions:

- A June 15th trigger.
- Trigger points should be mandatory when the new treatment plant is on-line.
- Condition #2 could declare an emergency so more water could be bought from the MWRA to protect the Ipswich River streamflow.
- Water purchase from the MWRA should be restricted to the May to October time period.

Simonson said the trigger points don't trigger operational changes. On these dates something should be done to prevent the next trigger from not being met.

Rich agreed with Zimmerman that the best case scenario would be that whatever water is withdrawn from a basin should be returned. He encouraged Reading and all communities to look at this. But right now, he thinks that all the WRC can do is to encourage this. This is not the issue on the table today. His concern is that we are reaching a point where he thinks the town

will say that this project is not worth the trouble and expense. Then they will be withdrawing up to 2.4 mgd until 2008. No one knows what the registration renewal process will entail. We are in a position of taking a gamble on this or agreeing to the proposal before us to limit withdrawals to 1 mgd from May through October. This is “money in the bank and water in the river.” We all benefit from this. He is concerned that this process is at a point where “good becomes the enemy of perfect”. For the sake of the river, this withdrawal should be dropped from 2.4 mgd to 1 mgd. He said that withdrawals are a factor in streamflow depletion. If communities are not withdrawing more water, but it is a drought, “are water withdrawals the cause of low flows?”, he asked.

Clayton said that the current Staff Recommendation is an improvement. The thresholds are a concept that should be pursued. The Commission should consider and include some of the comments received from IRWA and the Town because he thinks the thresholds might be too narrow in their application. With a focus on Condition #2, he felt, both the town’s needs and river protection could be met.

Garabedian pointed out that in Condition #2, it says “on those dates if the streamflow as measured at the USGS South Middleton gage is at or below 18.7 cfs (0.42 cfs) (“the threshold”), then the Town will implement additional outdoor water use ...” He stated that 18.7 cfs is an instantaneous flow rate. This language should be an average. The WRC should determine what the average represents, such as 15 minutes, an hour etc. Streamflow is continuously variable. During the summer months, most of the streams in Massachusetts tend to be “flashy” because most of the storms are convective storms. If the streamflow peaks on this day, the issue of average will come into play. Gildesgame replied that this is why a three consecutive day average is required. Hutchins asked if the daily average was available on line. Garabedian replied, no; that is why this could be an operational concern. Zimmerman asked Garabedian for a recommendation. Garabedian said USGS could have recommendations later. This is a minor detail, but it should be worked out, he added. Zimmerman asked about developing a model to calculate an average. Garabedian said calculating an average was pretty straightforward, as long as you know what the time for the average is.

McIntire said this language was proposed because it is similar to the language in DEP’s draft Ipswich WMA permits, so he suggested that Reading was willing to live with however DEP defines this. LeVangie said that DEP was not that definitive on this issue. DEP considered it to be a daily average, but this would not be published until the next year. This is why DEP required the three day average.

Mackin said she supports the idea that Reading should be subject to the same restrictions as everybody else. She said the streamflow triggers are compared to purchase of water from the MWRA. This is not a water conservation measure. This is an alternative water supply. What IRWA wants from streamflow trigger restrictions is the water conservation effect. Condition 2 allows more water use than what would be allowed under streamflow triggered restrictions. This is what should be looked at. Mackin added she understands that there is a limit to what Reading is willing to do and that this has been stressing everyone’s patience, but she attended the Reading Selectmen’s meeting on March 15th. At that meeting, she said, Hechenbleikner, McIntire, and Tassi proposed that the town walk away from this deal and the Selectmen declined to go that way. According to Mackin, they “specifically said ‘no, we don’t think that’s really in Reading’s

interest to walk away from this deal’.” She’s sure there is some point where that might be considered by the Town. But as of the March 15th meeting, she said, the Select Board did not feel that way.

Mackin then responded to a comment Rich had made earlier, stating that the USGS studies have specifically modeled what would happen in terms of streamflow if Reading’s wells were shut off. The study found that the streamflow recovery would be dramatic. Instead of the river being pumped dry at reach 8 on average 10% of the time, it would not be pumped dry at all. The best evidence currently available says that there is a strong connection between depleted streamflow and the pumping of Reading’s wells.

Wood said that Mackin misrepresented the Board of Selectmen’s decision and noted that this process cannot continue to go on and on. “Unfortunately, Ms. Mackin has made a false assumption concerning the Reading Selectmen’s meeting”. The Board of Selectmen did not say “do not go forward”, because the Town Manager advised the Board that the Staff Recommendation was still being considered by the WRC. Wood said that she could still speak for the Board of Selectmen on this point and if this process is, in fact, going to be carried on forever, the Board of Selectmen will say “do not go forward”.

Wood went on to say Reading is doing this because the Town thinks this is the right thing to do. Why else, she asked, would they spend \$2.5 million to join the MWRA so that more money can be spent on increased water bills? MWRA water is more expensive than water Reading can produce from its own sources. There is a line everyone has that can’t be crossed. Reading’s line has been pushed and pushed, but be assured, she said, you are getting closer to the Board of Selectmen’s line.

Yeo agreed that is a direct relationship between well pumping and streamflow, but the topic before the Commission is use of MWRA water. The differences are on when the triggers set in and by how many hours a day the use of MWRA water to be used outside is changed. That is really what we are discussing. The current Recommendation is trying to prevent the Town from getting beyond the 219 mg each year. This is what should be focused on.

Honkonen said this topic has been discussed for an hour and a half today. No one in this room wants to see Reading walk away. Not taking 219 mg from the Ipswich basin during this time period is a good idea. However, procedurally, as Yeo said, what needs to be focused on is making sure that the 219 mg lasts as long as possible, as attempted in the items in Condition 2. If we can get to a point that we can be comfortable with the requirements of Condition 2, we should be able to move this forward.

Clayton asked if the WRC would be making a decision today. Honkonen said that this was the original intent.

Zimmerman said that CRWA brought a suit against DEP on behalf of IRWA and now is defending the new Ipswich basin permits in 11 towns. All of these towns have streamflow triggers. If the WRC walks away from streamflow triggers, there will be big problems with these other towns. This will be revisited in court. Gildesgame said that the Commission is not walking away from triggers. Mackin said the exclusion was too large.

Haas said that this ITA decision does not have any precedence effect whatsoever on WMA permit appeals. DEP is not concerned about that. The talk about “exemptions” is irrelevant. Reading is exempt now. They are under their WMA registration volume. This recommendation adds streamflow trigger requirements, when right now, Reading has none. They have voluntarily added streamflow triggers in October, when no other communities are required to abide by triggers during this month. The whole issue is that they are importing 219 mg to the Ipswich basin. This may not be ideal, but it is better than the current situation. Haas went on to say that Zimmerman has made good points about traditional engineering. Unfortunately, Haas said, in many instances this is not something that can be required. We need communities to volunteer to solve these problems and he hopes that when communities do come forward, the State can find ways to help them, not find ways to add requirements or stop them from doing what they want to do. He thinks that when other communities look at the process Reading is going through, they will think twice about volunteering to do something beneficial for the environment. This is a voluntary effort on Reading’s part.

Honkonen returned the discussion back to Condition #2. This needs to be resolved. Zimmerman said USGS should come up with a method of measuring flow on the days in question. Haas said DEP and DCR in consultation should come up with method. This is not a policy issue. Hechenbleikner said this was okay with Reading. Hutchins suggested that if the readings are averaged over time, it is less conservative than what Reading is proposing. Drury said that in other cases, we have required that the gage be read at a consistent time each day and this would be the reading. This makes it easier operationally. There is precedent for this. Garabedian said that these readings would be of instantaneous flow, but three days is a definable period for an average. What Drury has proposed is a reasonable way to go about getting an average. This would work. Kennedy asked if there would be a new technical analysis on this. He thinks it should be looked at more closely. Gildesgame said we can agree to do this without delaying this discussion. Honkonen cautioned that it shouldn’t be overanalyzed.

Haas said he would prefer not to put this off further. He is confident that technical staff can come up with a solution. Simonson said that she was confused. What is the status of what the town has proposed, she asked. Gildesgame said this was under discussion now. Hechenbleikner agreed with the procedure recommended by Drury for measuring the three consecutive days. This is a more restrictive measure than a daily average, but Reading is willing to accept this. Mackin said that if the language in Condition 2 remains, every low flow event may not be captured. She wants the Commission to regulate streamflow in the receiving basin. She is concerned that the Commission may vote on this today and determine the actual language at a later date.

Zimmerman said he serves on a Board of Health that approves permits that have details that are to be determined later. He asked if the WRC could condition this decision so that staff come back with a formula for measuring streamflow. Shelley said there is a fair amount of uncertainty with this recommendation. Griffin suggested that WRC discuss the substantive issues that need to be resolved and direct staff to address them and then come back at the May meeting with a draft decision that reflects those changes to be voted on. She wants to review some of the language proposed by the town of Reading as well. Clayton said that this makes sense. The WRC is not in a position to hammer out these issues today. He does not want to make a conditional decision. Griffin would feel more comfortable, as EOE’s lawyer, if the

Commission had a final complete document when it made the decision. Haas asked if the Commission could limit discussion to only the comments received today. We have seen the same information and comments over and over again, he said. Honkonen said that the issues have been narrowed down to those that still need to be addressed.

Zimmerman said that if the town is willing to implement these mandatory restrictions when any instantaneous flow hits below 19 cfs over any period, the issue is resolved. Gildesgame said that there were more issues that needed to be discussed. Stevenson said that the intent was to keep conditions as close as possible to the WMA conditions. Wilmington's WMA permit requires that water use restrictions be implemented if the gage reading falls below ANY three consecutive days. Reading's recommendation references three days around a specific date. The river dries up in May.

Honkonen proposed a five minute break and the Commission took a recess.

Honkonen continued, saying that the debate today has been interesting. The discussion of what the average streamflow should be around what date is an important issue to focus on. There are some other minor issues that need to be examined. He suggested that a vote not be taken today, but that between now and the May 12th meeting, the Staff work together with agencies, USGS, the Town and other interested parties, to define the appropriate measurement in Condition #2. There may be other issues that are important, but we have narrowed it down.

Zimmerman requested that a June 15th threshold be added. He also wants a paragraph to be added that requires that when the new water treatment plant is on line, that Reading implement mandatory streamflow triggers. Gildesgame suggested that Condition #5 is similar. Zimmerman said the triggers should be mandatory. Hutchins asked if Zimmerman was suggesting streamflow triggers for well operations or for conservation. Zimmerman replied both. Hutchins and Yeo said that these were different issues.

Yeo suggested that a date should be set within the next week by which all further comments should be received. Honkonen set this date as April 15th.

Mackin suggested that all parties should sit down together. LeVangie said that there should be some reporting and notification requirements, as well, under Condition #2. Hechenbleikner stated that Reading has gone about as far as it can go with these conditions. Tisa asked if the three-day average must be tied specifically to the 15th dates. He asked if the Town would be willing to look at any three day period between the various trigger dates? Hechenbleikner asked if the three day period would be a constantly moving period. Tisa answered yes. Hechenbleikner said Reading would need to consider this before responding. Wood asked whether the consequences would be on pumping or conservation measures. Honkonen replied it would be increased conservation measures. Tisa agreed. Mackin thought this was a good idea.

Agenda Item #3: Presentation – Stress Level of the Weir River

Kearns said that the Riverways program has been hearing from its constituents that the WRC's Stressed Basin program is based only on streamflow gages with more than 20 years of record, which means there are many unassessed basins. It is felt that many basins should be classified as high stress, even though these basins do not have gages. In the Stressed Basin Report, there is a methodology outlined for unassessed basins. Kearns said that as far as she knew, this methodology had yet to be applied. This is an attempt to use that methodology to provide an assessment of the Weir River. She referred to the Stress Level Analysis of the Weir River, which had been included in the WRC mailing for this meeting. This report outlines the criteria described in the Stressed Basin report for unassessed basins. This is basically an inflow-outflow analysis (i.e. how much water is leaving the watershed and how much water is coming back). If there is a net loss, there are some rules of thumb for designation a low, medium or high stressed basin. A basin can be classified as medium stress if the net outflow equals or exceeds the estimated natural 7Q10. A basin can be considered high stress if the net outflow equals or exceeds the estimated natural August median flow

The estimated net outflow from the Weir River basin is 2.98 mgd. The August median flow is 2.34 mgd. So, she said, this clearly meets the requirements for the high stress classification. Some other information is presented in this report to support this classification biologically. She referred to a report completed by GZA consultants through the Watershed Initiative. This report included an assessment of the aquatic habitat safe yield. The report looked at whether the existing flow would maintain half of the natural August flows and found that in fall and winter, these flows would be met, but during any other season, they would not be met. The request also looked at fish communities that were sampled and compared with the Ipswich River target fish community study. It was found that the fish communities in the Weir River are dominated by macrohabitat generalists, as opposed to fish species that would be expected to be found in flowing habitat systems. In addition, the benthic macroinvertebrate community has lower taxa richness indicators than a reference station. Specific species that are common to stagnant water were also found. Hydrologically, she said, this meets the definition for a high stress basin found in the Stressed Basin report.

Kearns said that the questions today were:

1. How is the WRC going to go about listing new basins as stressed?
2. What size basins count?
3. How is this going to be applied under DEP's new Water Management Act Policy, which references the stress levels from the Stressed Basin Report?

Woods continued that the WRC will be seeing an Interbasin Transfer application for another withdrawal from the Weir River basin. The Aquarion Water Company in Hingham, a private water company, recently submitted an ENF for this project. She asked the Commission to look at the data provided through these reports and classify the river's stress level. This should be reviewed prior to the IBT application coming before the WRC. During the summer, she continued, the headwaters of the river dry up. She said that there is a complete diversion of one of the tributaries of the Weir River, within the Wompatuck State Park, which is "grandfathered". She said this area probably provides prime habitat. She asked that the WRC look at the river system as a whole. About two-thirds of the wastewater from the area is exported to the ocean. This has become a problem.

Zimmerman said that there were no regulatory hooks to make sure that the infrastructure does not exacerbate the water loss problem. He thinks that WRC should sponsor legislation to provide the regulatory hooks to assure this.

Drury informed the WRC about the Aquarion proposal. WRC and DEP Staff have met with Aquarion on several occasions about this well. A MEPA site visit is scheduled for April 12th. WRC Staff has looked at the preliminary information that Aquarion has collected. The Company wanted to request a Determination of Insignificance, but was advised that a positive Determination of Insignificance was doubtful, given the hydrological conditions present at the site. WRC Staff will also be commenting to MEPA on this ENF.

Staff has also met with members of the Hingham Water Committee, which is separate from the Aquarion Water Company. The Hingham Water Committee has some serious concerns about the proposed well and other things going on in town. DEP NERO has advised the Committee that a way to address these concerns is through the development of a Comprehensive Water Resources Management Plan (CWMP). Drury stated that this is also a concern for the WRC because Hingham has a sewer district. Wastewater is transferred to the MWRA sewer system. The sewer district is limited in terms of the areas of town included, so there are many of areas of town, not part of the district, looking beyond their border for sewer service. She reminded the WRC of the Weymouth Landing ITA project. The decision required that any community or parts of communities that wanted to connect to the Weymouth sewer would need to have a CWMP, before the Commission would consider an application from them. There is a lot of interest in the situation in this basin. Drury added that she was not sure where the Hingham CWMP stood.

The Free St Well #4 ENF was before MEPA now. The comment period closes on April 29th. Staff will be commenting for the Commission. Yeo asked if the Commission had received an ITA application for the Free St Well. Drury answered no, Aquarion needs to get through the ENF process. It will be a while before this comes before the Commission. Aquarion will need to develop an EIR because this project will be reviewed as a “significant” IBT.

S. Woods stated that Hingham approved funding for the CWMP at Town Meeting. S. Cohen said that stress designations serve as a back door regulatory hook. She said that the request from Riverways and the Weir River Watershed Association is timely because the State is moving forward to develop water budgets in subwatersheds. It is important to know how those will be used to designate stress levels on a legal basis.

Simonson said she thinks that the State is not up to speed in terms of the relationship of private water companies and districts with municipalities. In order for the WRC to fulfill its policy role, she suggested that a specialist on this topic be consulted.

Zimmerman moved to declare the Weir River a stressed basin under the WRC’s policy. Rich suggested that Staff should review this information before it was approved and designated as stressed. Honkonen suggested that Staff should conduct a further analysis on this information. Zimmerman withdrew this motion and moved that Staff conduct this analysis. Gildesgame suggested that the Commission determine if the interim guidance would be revised under the activities of the state water policy. This designation needs to be consistent with the statewide

approach. Rao said that direction given by the Water Policy Task Force was to examine the definition of “stress” given in the Stressed Basin report and attempt to define stress as including habitat and water quality, in addition to water quantity, if possible. This is an on-going process and may take a couple of years. However, this does not preclude the WRC from looking at stress on a subbasin level, based on the current definition of stress. As new information gets incorporated, the stress definition can be adjusted as necessary.

R. Cohen said that the Weir River study had been commissioned by the state, under the auspices of DEM. The report has been reviewed and accepted by DEM. He said there was plenty of raw material in the report that places this subbasin into the stressed category. This report fills gaps with data that were not available at the time that the Stressed Basin report was developed. Drury added that through the DEM/WRC basin planning program, the Commission had approved a Basin Plan for the Weymouth/Weir subbasin. This plan, through an inflow/outflow analysis, showed that more water was going out of the basin through sewerage than was coming into the basin. There is a lot of information on this. For Interbasin Transfer Act review purposes, what is known about the basin will be used to review impacts of transfers out of the basin, whether or not it is “officially” designated as stressed.

Hutchins said that she had overseen the Weir River study and could review the information developed by Riverways and make a recommendation. She cautioned that more requests for high stress designations would be received and would need to be reviewed. This is a staffing issue. With all the other projects that come to Staff, priorities must be made and methodologies must be standardized. She said that studies funded by the Watershed Initiative should be used wherever possible. Honkonen agreed, but said that he wasn’t sure this designation could be made in areas where there were not these studies. Hutchins added that since more requests will be coming, some in areas that require DEP permits, this needed to be thought through. LeVangie asked where the cut-off would be for basin size. Yeo said that the Geologist position would be filled soon, so this will ease the workload somewhat.

S. Cohen encouraged the WRC to think of this as two separate decisions: 1. to designate the Weir River as stressed, or not; 2. to endorse a particular methodology to come up with a stress designation. She said the second process was more involved than the first, but this would be a good time to take it on, even if it is done in small pieces. She reiterated that water budgets will be developed for most of the State soon. This will allow for some “quick conversions” of some basins as stressed if, when the water budgets are completed, there was a process on how to use the data available and how water budgets fit in. She said that the water budget for the Weir River provided one of the arguments that it should be designated as stressed. This could help the WRC decide the larger question of the methodology.

Zimmerman said that the State is running out of water and it doesn’t have to. Massachusetts is one of the most water-rich states in the universe. He said laws and regulations were needed to get the infrastructure right. He advocated that towns should abandon the MWRA sewer and put the water back in the ground. “We cannot allow this to continue!”, he said, “This Commission needs to take a position and say you can’t continue to send water out into the ocean and dewater eastern Massachusetts and expect that all this stuff is just fine and dandy because, folks, it’s not.”

Haas said that with current work loads, he was not sure that this should be the WRC's first priority. He asked if there had been a public process on this stressed designation. Will the WRC be accepting public comment on the Weir River stress designation? Kearns said that the Stressed Basin report had been out for years. This is the first case to use the methodology approved by the WRC in this report. The methodology is natural resources based, not user based. Hutchins added that through the water policy, Staff is in the process of evaluating the stress designation methodology. More research to develop target streamflows for Massachusetts and reapplying the stress analysis is supposed to be done. There needs to be a decision as to whether to use the old interim definition for designating basins, or to work towards the new definition, or both. Speers said she understood that staff was overworked, but she cautioned that if approving designations in watersheds where there is data that has been approved by the State is postponed, time will be lost in protecting the rivers of Massachusetts. In cases like the Weir River, where the data is available, she urged the Commission to review the data and make a decision.

M O T I O N	Zimmerman moved with a second by Tisa that the Staff review the Weir River data and make a recommendation for a vote at the May meeting.
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The motion, to have the Staff review the Weir River data and make a recommendation for a vote at the May 12th meeting, was repeated by Zimmerman and seconded by Tisa. Yeo asked Gildesgame to comment on the ability of Staff to get a recommendation to the WRC by the May meeting. Yeo said that this is the first one to be classified since publication of the Stressed Basin report, so it should be done right. Gildesgame agreed that the Weir River is under some level of stress. The issue is that this get done in a systematic way. Hutchins said she suspected that Staff would agree to designate this as stressed, but that this information should be reviewed. Honkonen said that Staff had a capacity problem. Next month does not appear to be feasible to have a recommendation. He suggested that Staff begin the analysis and come back in a reasonable time frame. Zimmerman agreed, but said a date should be included so that this does not get pushed back indefinitely. He suggested July. Simonson asked if it was possible to determine if the Weir River proposal deviated from the methodology of the Stressed Basin report. If so, does this make a difference in how the WRC would vote?

V O T E	Honkonen read the revised motion: that Staff review the Weir River data and make a recommendation for a vote at the July meeting.
	The vote in favor was unanimous

Hutchins asked about public input. Drury suggested that a notice be placed into the Environmental Monitor. It was agreed that this should be done.

Agenda Item #4: Presentation – Implementation of the Water Policy Task Force Recommendations

Honkonen said that some interesting things are being done under the auspices of the water policy. He reminded the Commission that the water policy task force had its first meeting a year ago. Many people have worked hard to pull together ten recommendations. He distributed a chart that assigned tasks, for Commission review, suggesting that members refer to the full policy report. He suggested that, given the hour and the amount of time that had been spent on other issues at this meeting, a more detailed discussion be postponed until next month.

Gildesgame added that many of the items outlined in the water policy are predicated on having staff in place, who are not necessarily there. There is a lot of work to be done, once the program is fully staffed, but we are not there yet. Speers asked about the status of staffing. Honkonen said he could comment on some of them. Four positions are critical. Fisheries biologists and technicians will be hired to help with the target fish community item. This will start in FY06. Two more people are needed to work with DEP staff on stormwater issues. EOEA is hoping to hire someone to work with DEP on the potential reuse of wastewater as a recharge tools. We hope to post these soon, so that they can begin on July 1st. Gildesgame added that DCR was trying to backfill the geologist position. Rao reminded the Commission that these positions were all subject to funding approval.

Meeting adjourned